

**GOVERNMENT OF ANDHRA PRADESH**

**ABSRACT**

Panchayats – Keesara Gram Panchayat and Mandal of Ranga Reddy District – Removal of Sarpanch under sub section (1) of 249 of APPR Act, 1994 – Appeal petition filed under section 249 (7) by Smt N. Madhuri, Sarpanch (Removal), Keesara Gram Panchayat and Mandal of Ranga Reddy District – Dismissed – Orders – Issued.

-----  
**PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT**

**G.O.Rt. No.1435**

**Dated: 19-09-2008.**

**Read the following:**

1. From the District Collector (PW), R.R. District Proceedings No.4110/2007-B1(Pts), dt.15.7.2008.
2. Appeal Petition filed by Smt N. Madhuri, Sarpanch (Removal), Keesara Gram Panchayat and Mandal, Ranga Reddy District, dt.21.7.2008.
3. Govt.Memo.No.17165/Pts.II/A2/08-1, dt.24.7.2008.
4. W.P.No.15444 of 2008 dt.17.7.2008 of Hon'ble H.C. of A.P.
5. From the Dist.Collector(PW), R.R.District Lr.No.4110/2007-B1(Pts), dt.8.8.2008.
6. W.P.No.16940 of 2008, dt.5.8.2008 of Hon'ble H.C. of A.P.
7. Govt.Telegram No.17165/Pts.II/A1/2008-5, dt.20-8-2008.

>><<

**ORDER:**

In the reference 1<sup>st</sup> read above the District Collector (PW), Ranga Reddy District has removed Smt N. Madhuri, Sarpanch, Keesara Gram Panchayat and Mandal of Ranga Reddy District under section 249(1) of APPR Act, 1994 for misuse of powers and misappropriation of Gram Panchayat funds.

2. In the reference 2<sup>nd</sup> read above, aggrieved by the said orders, Smt.N.Madhuri, Sarpanch (Removed), Keesara Gram Panchayat and Mandal, Ranga Reddy District has filed an Appeal Petition before the Government and prayed that to stay the operation of the order No.4110/2007/B1(Pts), dated 15.7.08 of the District Collector (PW), Ranga Reddy District.

3. In the reference 3<sup>rd</sup> read above, Government has called the remarks of the District Collector (PW), Ranga Reddy District on the Appeal Petition filed by Smt.N.Madhuri, Sarpanch, Keesara Gram Panchayat and Mandal of Ranga Reddy District.

4. In the reference 4<sup>th</sup> & 6<sup>th</sup> read above, the Hon'ble High Court has directed the District Collector (PW), Ranga Reddy District that the impugned order shall not be given effect until to dispose off the Revision Petition by Smt.N.Madhuri, Sarpanch, Keesara Gram Panchayat.

5. In the reference 7<sup>th</sup> read above Government have informed to all concerned to attend hearing on 29-8-2008.

6. Both parties were attended hearing. The Upa-Sarpanch was also present along with his Advocate. The Counter affidavit filed by the Upa Sarpanch was also taken on file.

**(P.T.O)**

7. The advocate of petitioner's while reiterating the contentions of appeal has contended that the petitioner has simply followed the procedures adopted by her predecessor and given permission for construction though she is competent to do so as per rules and regulations in vogue. The Petitioners Advocate has further pleaded that though the actions of the petitioner in having given permission for construction are in violation of rules and regulations, she may be excused, as there is no Panchayat Secretary to guide her.

8. Government have gone through the records brought by the District Panchayat Officer and Divisional Panchayat Officer and also the material papers filed by the Petitioner and unofficial respondents as well as the arguments put in by the Advocates. It is on record that the Petitioner has given permissions for constructions in violation of rules and regulations. The Petitioner though not competent to give permission for construction she has eroded on the powers and functions of the executive authorities, which is nothing but usurping the powers of others. The petitioner's Advocate has pleaded that the petitioner has simply followed her predecessor in granting permissions, which is not a novice. The verification of records shows that the Petitioner being the Citizen of the subject Gram Panchayat, ought to know the layout in which she has given permission will not be given for construction is an illegal layout approved by Gram Panchayat earlier and the Petitioner herself as Sarpanch of Gram Panchayat has given a press statement that permission will not be given in the said layout. Whereas contrary to her own statement she has given construction permissions in the same layout. She should have been cautious in exercising her powers as a Sarpanch of the Gram Panchayat in granting permission for construction in the illegal layouts. The petitioner has not disputed the fact of granting permission and in fact she has admitted the same but trying to take shelter that there is no Panchayat Secretary to guide her property. Ignorance of law is no excuse. Though there is no Panchayat Secretary in the Gram Panchayat, the Petitioner might be aware of the fact that for such irregular action some of the Sarpanchs of other Gram Panchayats in Ranga Reddy District were removed. This fact is sufficient for the Petitioner to restrain herself from exercising the power of grant of permission for constructions in the illegal layouts. Taking the totality of the circumstances into consideration and found that there are no irregularities, illegality and impropriety in the orders passed by the District Collector (PW), Ranga Reddy District. The Appeal merits no consideration and the appeal petition filed by Smt N. Madhuri, Sarpanch, Keesara Gram Panchayat and Mandal, Ranga Reddy District is hereby dismissed.

9. The District Collector(PW), Ranga Reddy District is requested to take further action accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**CHITRA RAMACHANDRAN  
SECRETARY TO GOVERNMENT**

To  
Smt.N.Madhuri, Sarpanch (Removal), Keesara Gram Panchayat and Mandal,  
Ranga Reddy District  
The District Collector (PW), Ranga Reddy District, Hyderabad.

**Copy to:**

The Commissioner, Panchayat Raj and Rural Employment, A.P., Hyderabad.  
The District Panchayat Officer, Ranga Reddy District, Hyderabad.  
Sri B. Ramesh Gupta, Upa-Sarpanch, Keesara Gram Panchayat,  
Ranga Reddy District.  
Sf/Sc.

**// FORWARDED :: BY ORDER //**

**SECTION OFFICER.**